

THE PRUDENTIAL INSURANCE
COMPANY OF AMERICA,

Plaintiff,

V.

CHRISTINE LOPEZ PERRY and
JENNIFER A. WILLIAMS, as Mother and
Legal Guardian of J.D.B., T.M.P., and
K.E.P., minors,

Defendants.

Case No. 1:15-cv-162

Judge Travis R. McDonough

Magistrate Judge Christopher H. Steger

ORDER

On August 26, 2016, United States Magistrate Judge Christopher Steger filed his Report and Recommendation (Doc. 33) pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b). Neither party has filed objections to the Magistrate Judge's Report and Recommendation within the allotted fourteen days. The Court has reviewed the Report and Recommendation, as well as the record, and it agrees with Magistrate Judge Steger's well-reasoned conclusions. Accordingly, the Court will **ACCEPT AND ADOPT** Judge Steger's R&R (Doc. 33), and **GRANT** the parties' joint motion (Doc. 28).

1. Prudential is **ORDERED** to deliver to its counsel, d’Arcambal Ousley & Cuyler Burk LLP, at 40 Fulton Street New York, New York, 10038, a check made payable to “d’Arcambal Ousley & Cuyler Burk, LLP” in the amount of \$6,783.75, as payment of attorney fees in this action, to be deducted from the \$400,000.00, representing life insurance proceeds payable as a result of the death of Timothy Perry (the “Insured”) under group life insurance plan

number G-32000 (the “Plan”), which was issued by Prudential, through the Office of Servicemembers’ Group Life Insurance (“OSGLI”), to the United States Department of Veterans Affairs pursuant to the SGLI statute, 38 U.S.C. § 1965 *et seq.* (the “Death Benefit”);

2. Within **21 days of the entry of this Order**, Prudential **SHALL** distribute to the “Brent R. Watson, Trust Account” the sum equal to the remainder of the Death Benefit payable plus applicable claim interest, if any (together, the “Funds”);

3. Upon distribution of the Funds as set forth above in paragraph 2, Prudential shall be, and hereby is, discharged from any and all liability to Defendants Christine Perry Lopez and Jennifer A. Williams, as mother and legal guardian of J.B.P., T.M.P., and K.E.P., minors (collectively, the “Adverse Claimants”) relating in any way to the Plan and/or the Death Benefit and/or the Funds, and for the Adverse Claimants to be, and hereby are, permanently enjoined from making any further actual or implied claims, demands and causes of action, asserted or unasserted, express or implied, foreseen or unforeseen, real or imaginary, suspected or unsuspected, known or unknown, liquidated or unliquidated, of any kind or nature or description whatsoever, that the Adverse Claimants, jointly and severally, ever had, presently have, may have, or claim or assert to have, or hereinafter have, may have, or claim or assert to have, against Prudential with respect to payment of the Death Benefit and/or otherwise in connection with the Plan or the Funds;

4. Upon notice that the Funds have been distributed as set forth above, the Court will enter an order pursuant to Federal Rule of Civil Procedure 54(b) dismissing Prudential, with prejudice, and without further costs or fees to any party;

5. Jennifer A. Williams shall be appointed as Guardian ad litem to J.B.P., T.M.P., and K.E.P., minors, for purposes of approving the relief recommended herein and releasing Prudential of all liability under the Plan.

SO ORDERED.

/s/ Travis R. McDonough

**TRAVIS R. MCDONOUGH
UNITED STATES DISTRICT JUDGE**